



ANNO DECIMO OCTAVO & DECIMO NONO

VICTORIÆ REGINÆ.

Cap. 3.

An Act for authorizing the granting of Mining Leases of Estates subject to the Uses of the Will of *Robert Bell Livesey* Esquire, deceased, and for other Purposes. [23d July 1855.]

WHEREAS *Robert Bell Livesey*, late of *Kildale* in the County of *York*, Esquire, now deceased, by his last Will and Testament in Writing, bearing Date the Nineteenth Day of *May* One thousand eight hundred and thirty, and executed and attested in such Manner as was then required by Law for rendering valid Devises of Freehold Estates, gave and devised his Manor of *Kildale* in the County of *York*, with the Advowson of the Church there, and all his Mansion House, Messuages, Farms, Lands, Tenements and Hereditaments whatsoever situate at *Kildale* aforesaid, and all other his Real Estate whatsoever and wheresoever, whether in possession, reversion, remainder, or expectancy, with the Appurtenances, unto his Brothers-in-Law the Reverend *James Jarvis Cleaver* and the Reverend *John Cleaver*, their Executors, Administrators, and Assigns, during the Term of One thousand Years, to commence from the Day of his (the said Testator's) Decease, upon the Trusts therein-after declared and herein-after mentioned concerning the same; and, subject thereto, to the Use

Will of
Robert Bell
Livesey,
dated 19th
May 1830.

[Private.]

k

of

Livesey's Estate Act, 1855.

of his Wife *Jane Livesey* (since deceased) and her Assigns, during her Life, without Impeachment of Waste; with Remainder to the Use of his (the Testator's) Daughter *Marianne Turton* the Wife of *Edmund Turton* Esquire, during her Life, for her own sole and separate Use and Benefit; with Remainder to the Use of her Husband the said *Edmund Turton* (in case he should survive her) and his Assigns during his Life; with Remainder to the Use of *Robert Consett Turton* Second Son of the said *Edmund Turton* and *Marianne Turton*, and his Assigns, during his Life, without Impeachment of Waste; with a Limitation, from and after the Determination of that Estate in his Lifetime, to the Use of the Reverend *James Serjeantson* and the Reverend *Edward Serjeantson* and their Heirs, during the Life of the said *Robert Consett Turton*, in trust to support the contingent Uses therein-after limited; with Remainder to the Use of the First and all and every other the Son and Sons of the said *Robert Consett Turton*, severally, successively, and in remainder one after another, according to their respective Seniorities, in Tail Male; with Remainder to the Use of the Third, Fourth, and all and every other the younger Son and Sons then or thereafter to be born of the said *Edmund* and *Marianne Turton*, severally, successively, and in remainder one after another according to their respective Seniorities, in Tail Male; with Remainder to the Use of *Edmund Henry Turton* eldest Son of the said *Edmund* and *Marianne Turton* and his Assigns during his Life, without Impeachment of Waste; with a Limitation, from and after the Determination of that Estate in his Lifetime, to the Use of the said *James Serjeantson* and *Edward Serjeantson*, and their Heirs, during the Life of the said *Edmund Henry Turton*, upon trust to support the contingent Remainders therein-after limited; with Remainder to the Use of the Second, Third, Fourth, and all and every other the younger Son and Sons of the said *Edmund Henry Turton*, severally, successively, and in remainder one after another according to their respective Seniorities, in Tail Male; with Remainder to the Use of the First and all and every other the Son and Sons of the said *Marianne Turton* by any future Husband, severally, successively, and in remainder one after another according to their respective Seniorities, in Tail Male; with Remainder to the Use of *Marianne Teresa Lambarde* (then *Marianne Teresa Turton*) eldest Daughter of the said *Edmund* and *Marianne Turton* and her Assigns during her Life, without Impeachment of Waste; with a Limitation, from and after the Determination of that Estate in her Lifetime, to the Use of the said *James Serjeantson* and *Edward Serjeantson*, and their Heirs, during the Life of the said *Marianne Teresa Turton*, upon trust to support the contingent Remainders therein-after limited; with Remainder to the Use of the First and all and every other the Son and Sons of the said *Marianne Teresa Turton*, severally, successively, and in remainder one after another according to their respective Seniorities, in Tail Male;

Livesey's Estate Act, 1855.

Male ; with Remainder to the Use of the Second and all and every other the Daughter and Daughters then or thereafter to be born of the said *Edmund* and *Marianne Turton*, severally, successively, and in remainder one after another, according to their respective Seniorities, in Tail Male ; with Remainder to the Use of the First and all and every other the Daughter and Daughters of the said *Marianne Turton* by any such future Husband, severally, successively, and in remainder one after another, according to their respective Seniorities, in Tail Male ; with Remainder to the Use of the First and all and every other the Daughters of his (the Testator's) Grandsons and Grand-daughters in Tail general, successively, in every respect the same as was therein-before declared as to the Issue Male, *mutatis mutandis*, it being his Intention that after Failure of Male Issue of his Grandsons and Grand-daughters the said settled Hereditaments should revert to the Female Issue of his Second and every other Grandson and Grand-daughter in Tail, in the same Manner as was therein-before declared as to the Male Issue ; with Remainder to the Use of his (the Testator's) Nephew *John Bell*, of *Thirsk*, in the County of *York*, Esquire, and his Assigns, during his Life, without Impeachment of Waste ; with a Limitation, from and after the Determination of that Estate in his Lifetime, to the Use of the said *James Serjeantson* and *Edward Serjeantson*, and their Heirs, during the Life of the said *John Bell*, upon trust to support the contingent Remainders therein-after limited ; with Remainder to the Second and all and every other the Son and Sons of the said *John Bell*, severally, successively, and in remainder one after another, according to their respective Seniorities, in Tail Male ; with Remainder to the Use of *James Cleaver* eldest Son of the said *James Cleaver*, and his Heirs, in Tail General ; with Remainder to the Use of his (the Testator's) own right Heirs for ever ; and the said Testator thereby declared that in case the said *Robert Consett Turton*, or the Heirs of his Body, or any other Tenant for Life or in Tail, should become seised of the Settled Family Estates of the said *Edmund Turton*, then and from thenceforth the Limitations thereby made in his or her or their Favour should from Time to Time of his, her, or their so becoming seised cease and determine, and be absolutely void, as if he, she, or they were dead, and the said thereby devised Hereditaments and Real Estate, with the Appurtenances, should go over to the Person next entitled in remainder under and by virtue of his said Will ; and the said Testator thereby further declared that the said Hereditaments and Premises were therein-before limited to the Use of the said *James Cleaver* and *John Cleaver*, their Executors, Administrators, and Assigns, for the said Term of One thousand Years, upon trust that the Trustees or Trustee for the Time being of the same Term should, by Mortgage of the said Hereditaments comprised in the said Term, or out of the Rents and Profits to arise therefrom, or such other Ways or Means as they or he should think proper, (but such Application of the

Rents

Livesey's Estate Act, 1855.

Rents and Profits not to take place during the Lifetime of his said Wife or of the said *Marianne Turton* or *Edmund Turton*,) levy and raise such Sum or Sums of Money as should be requisite to pay and discharge the Debts owing by the said Testator at his Decease, and should apply the Money so raised in Payment and Satisfaction of such Debts accordingly ; and further, that the Trustees or Trustee for the Time being of the said Term should at their or his Discretion enter into the actual Possession of the said Hereditaments and Premises comprised in the said Term during the Life of the said *Marianne Turton* or of the said *Edmund Turton*, and also during the Minority of any of the Tenants for Life or in Tail of the said Premises, and receive the Rents and Profits thereof, and should be authorized to let or demise the same Hereditaments, or any Part or Parts thereof, for any Term of Years not exceeding Seven Years, at the most approved Rent, and should appoint such Agent or Agents, at such Salaries, and adopt such other Acts as they might think necessary for the Management of the same Hereditaments, and should during the Life of his said Daughter pay the clear Rents and Profits into her own Hands, for her own separate Use and Benefit during her Life, in manner therein-before directed, and also, in case the said *Edmund Turton* should survive her, pay the same clear Rents and Profits unto him during his Life, subject nevertheless, during the Life of the said *Marianne Turton* and of the said *Edmund Turton*, to Deduction under a Power thereby given to the Trustees or Trustee for the Time being of the said Term, during the Lives of the said *Marianne Turton* and *Edmund Turton*, or of the Survivor of them, to retain out of the said Rents and Profits annually such Sum or Sums of Money as might be requisite for the Maintenance and Education of the said Second Son of the said *Edmund* and *Marianne Turton*, or such other of their Sons or Daughters who, under the Limitations of his said Will, should be next entitled in remainder to the said thereby settled Hereditaments, and to pay and apply the same accordingly, until such Son or Daughter should attain the Age of Twenty-one Years ; and also out of the same Rents and Profits to make the said Son or Daughter such Allowance during the Lifetime of his or her said Father and Mother, for his or her Maintenance, as the said Trustees or Trustee for the Time being should see expedient, and as should be suitable to his or her Rank in Life ; and he therefore declared that it should be lawful for the Trustees or Trustee for the Time being of the said Term, during such Time or Times as they or he should be in actual Possession of the said Hereditaments comprised in the said Term, to cause such Timber and other Trees to be felled and cut down from off the said Hereditaments as should from Time to Time be wanted for the new building, repairing, or amending the Mansion House, Messuages, and other Buildings on the same Premises, and cause to be used and applied for such new Building or Reparation accordingly ; and also to fell and cut down
all

Livesey's Estate Act, 1855.

all such Timber and other Trees as should be at their full Growth and Height of Improvement, or in a State of Decay, or which ought to be felled for the Improvement of other Trees, and to sell and dispose thereof, and apply the Monies to arise from the Sale in or towards Satisfaction and Discharge of the Principal Money and Interest which should then be a Charge upon or affect all or any Part of the Hereditaments comprised in the said Term, or put out the same Monies for the Purpose of Accumulation, and invest the same in the Purchase of Estates to be settled to the Uses of his said Will; and the said Testator thereby declared that it should be lawful for the said *Robert Consett Turton*, and for every other subsequent Male Person thereby made Tenant for Life of the Hereditaments and Premises thereinbefore devised, when he should be in actual Possession thereof, either before or after Marriage, in manner therein mentioned, to charge the said settled Hereditaments and Premises, or any Part thereof, with the Payment of any annual Sum not exceeding Five hundred Pounds, to any Woman whom he should marry, for her Jointure, to be payable as therein mentioned; and also that it should be lawful for every Person (whether Male or Female) thereby made Tenant for Life, when in actual Possession as aforesaid, and in manner therein mentioned, to charge the said Hereditaments and Premises, or any Part thereof, with any Sum or Sums of Money for the Portion or Portions of any younger Child or Children of his or her Body, subject to the Limit therein prescribed, and to be paid in manner therein mentioned; and the said Testator thereby declared that it should be lawful for every Tenant for Life or in Tail in possession of the said Hereditaments who should have attained his or her Age of Twenty-one Years, and for the Trustees or Trustee for the Time being of the said Term, during the Minority of any such Tenant for Life or in Tail, in manner therein mentioned, to appoint the said Hereditaments or any Part or Parts thereof respectively to any Person or Persons by way of Demise or Lease for any Term or Number of Years not exceeding Twenty-one Years, to be computed from the making thereof; and he thereby appointed his said Wife sole Executrix of his said Will; and in the said Will is contained a Proviso that if the said *James Jarvis Cleaver* and *John Cleaver*, or the Survivor of them, his Executors or Administrators, or any Trustee to be appointed as therein-after mentioned, or any of them, or their or any of their Executors, Administrators, or Assigns, should die, or be desirous of being discharged from or decline or become incapable to act in the Trusts thereby in them reposed, before the said Trusts should be fully executed, then and in every such Case, and so often as the same should happen, it should be lawful for the said *Jane Livesey* during her Life, and after her Decease for the said *Marianne Turton* during her Life, and after her Decease for the then surviving or continuing Trustee or Trustees of the said Will, or the Executors or Administrators of the last surviving Trustee, by Deed to appoint a

[Private.]

/

new

Livesey's Estate Act, 1855.

Codicil to
Will of R. B.
Livesey,
dated 6th
Nov. 1831.

new Trustee or new Trustees of the said Will in the Place of the Trustee or Trustees thereof so dying or desiring to be discharged or declining or becoming incapable to act as aforesaid, and that when any new Trustee or Trustees should be appointed as aforesaid all the Trust Estates and Premises should be thereupon conveyed and assigned or otherwise effectually vested in such new Trustee or Trustees either solely or jointly with the surviving or continuing Trustee or Trustees, as Occasion should require: And whereas the said Testator, by a Codicil to his said Will, which Codicil bears Date the Sixth Day of *November* One thousand eight hundred and thirty-one, and is executed and attested in such Manner as was then required by Law for rendering valid Devises of Freehold Estates, declared that, notwithstanding the Restriction in his Will, the Trustees or Trustee for the Time being of the said Term of One thousand Years created by his said Will might exercise the Powers thereby reposed in them for raising Money by means of such Term for the Payment of his (the Testator's) Debts during the Lifetime of his said Wife and his Daughter the said *Marianne Turton* and his Son-in-law the said *Edmund Turton*, it being his more special Object that any Monies which his Estate might be called upon to pay in respect of Securities, by Bond or otherwise, given by him as Guarantee, or on behalf of the said *Edmund Turton*, might be made an immediate Charge upon his Real Estate under the Trusts of the said Term of One thousand Years; and the said Testator by his said Codicil revoked the Devise in his said Will contained to the said *Edmund Turton* during his Life, and in lieu thereof gave and devised to the said *Edmund Turton* during his Life, in the event of his surviving his (the Testator's) said Wife and Daughter, an Annuity or yearly Rentcharge of Six hundred Pounds, to be issuing and payable out of the said Hereditaments comprised in the said Term of One thousand Years, with usual Powers of Entry and Distress, and Retention of Possession of the said Hereditaments, for recovering the same when in arrear, but subject to a Proviso for determining the same Annuity or yearly Rentcharge if the said *Edmund Turton* should sell, assign, or in any Manner incumber or anticipate the same or any Part thereof, or should take the Benefit of any Act for the Relief of Insolvent Debtors, or make any Assignment for the Benefit of his Creditors; and, subject to the said Annuity or yearly Rentcharge of Six hundred Pounds to the said *Edmund Turton* during his Life, or during such Part thereof as the same should continue payable, the said Testator by the said Codicil directed that the Trustees or Trustee for the Time being of the said Term of One thousand Years should enter into possession of the Hereditaments comprised therein, and stand possessed thereof and of the Rents and Profits thereof upon trust, after providing for the said Annuity or yearly Rentcharge of Six hundred Pounds, and the Interest of any other Incumbrances or Charges on the same Hereditaments,

Livesey's Estate Act, 1855.

ditaments, and the Expenses of Management, and also every Disbursement for any Improvements that the said Trustees or Trustee might think expedient, and all Expenses attending the necessary Repairs of the Mansion House and other Buildings upon the Estate, to retain and pay such Sum or Sums of Money for the Education and Maintenance of the Person next in remainder, as was provided in his said Will, in case the said *Edmund Turton* had become entitled as one of the Tenants for Life of the same Hereditaments comprised in the said Term, and also to retain and pay such Sum or Sums as should be requisite for the Maintenance and Education of all or any of the Children of the said *Edmund Turton* by his (the Testator's) said Daughter then or thereafter to be born during the Life of the said *Edmund Turton* other than the one next entitled in remainder as aforesaid, and after providing as therein-before mentioned, upon trust to permit the Residue of the Rents and Proceeds of the same Hereditaments comprised in the said Term of One thousand Years to accumulate at Interest during the Life of the said *Edmund Turton* for the Benefit of the Child or Children of the said *Edmund Turton* by his (the Testator's) said Daughter *Marianne Turton* then or thereafter to be born, except such one of them as should be next in remainder to the Estates of the said *Edmund Turton*, and also such other of them as should be next in remainder to the said Hereditaments comprised in the said Term of One thousand Years: And whereas the said Testator *Robert Bell Livesey* departed this Life on or about the Fifteenth Day of *November* One thousand eight hundred and thirty-one, without having revoked or altered his said recited Will further than as the same was revoked or altered by the said recited Codicil thereto, and without having revoked or altered such Codicil, and leaving the said *Jane Livesey* his Widow and the said *Marianne Turton* (who was his only Child) his Heiress-at-Law; and on or about the Eleventh Day of *January* One thousand eight hundred and thirty-two the same Will and Codicil were duly proved by the said *Jane Livesey* in the Prerogative Court of the Archbishop of *York*: And whereas the said *Robert Consett Turton* departed this Life an Infant, of the Age of Four Years or thereabouts, on the Seventeenth Day of *November* One thousand eight hundred and thirty-one: And whereas the said *John Cleaver*, One of the Trustees of the said Term of One thousand Years created by the said recited Will, departed this Life on or about the Twenty-seventh Day of *August* One thousand eight hundred and thirty-four, leaving his Co-trustee the said *James Jarvis Cleaver* him surviving: And whereas by a Deed Poll or Instrument in Writing under the Hand and Seal of the said *Jane Livesey* (therein called *Jane Bell Livesey*), bearing Date the Twenty-fourth Day of *December* One thousand eight hundred and thirty-six, the said *Jane Livesey* did, in exercise of the Power for that Purpose contained in the said recited Will of the said *Robert Bell Livesey*, nominate and appoint the

Deed Poll,
dated 24th
Dec. 1836.

Livesey's Estate Act, 1855.

Indenture of
Mortgage
dated 4th
March 1843.

the said *Edward Serjeantson* to be a Trustee of the same Will, in the Place of the said *John Cleaver*; and by Two Indentures of Assignment, bearing Date respectively the Eighteenth and Nineteenth Days of *August* One thousand eight hundred and thirty-seven, the said Hereditaments and Real Estates which by the said Will were devised unto the said *James Jarvis Cleaver* and *John Cleaver*, their Executors, Administrators, and Assigns, for the said Term of One thousand Years as aforesaid, became vested in the said *James Jarvis Cleaver* and *Edward Serjeantson*, their Executors, Administrators, and Assigns, for all the then Residue of the said Term, upon and for such of the Trusts, Intents, and Purposes concerning the same Hereditaments as were then subsisting undetermined and capable of taking effect: And whereas by an Indenture bearing Date the Fourth Day of *March* One thousand eight hundred and forty-three, and made between the said *James Jarvis Cleaver* and *Edward Serjeantson* of the First Part, the said *Jane Livesey* (therein called *Jane Bell Livesey*) of the Second Part, and *James Freeth*, of *Flora Place, Plymouth*, in the County of *Devon*, Esquire, then late a Lieutenant Colonel in Her Majesty's Sixty-fourth Regiment of Foot, and *George Freeth*, of *Lincoln's Inn Fields* in the County of *Middlesex*, Esquire, of the Third Part, after reciting, amongst other things, that the said *James Jarvis Cleaver* and *Edward Serjeantson*, having occasion as such Trustees as aforesaid for the Sum of Six thousand eight hundred and twenty-two Pounds, for the Purpose of satisfying certain therein specified Debts of the said *Edmund Turton*, for the Payment of which the said *Robert Bell Livesey* was responsible at the Time of his Decease, had applied to the said *James Freeth* to advance and lend them the Sum of Five thousand Pounds, and to the said *George Freeth* to advance and lend them the Sum of One thousand eight hundred and twenty-two Pounds, which they the said *James Freeth* and *George Freeth* had respectively agreed to do, on having the Repayment thereof, with Interest for the same respectively, secured to them as therein mentioned; it is by the now reciting Indenture witnessed, that in pursuance of the said Agreement, and in consideration of the Sum of Six thousand eight hundred and twenty-two Pounds by the said *James Freeth* and *George Freeth* advanced as therein mentioned, and applied in Payment of the said therein specified Debts of the said *Edmund Turton*, for the Payment of which the said *Robert Bell Livesey* was responsible as aforesaid, the said *James Jarvis Cleaver* and *Edward Serjeantson*, in pursuance and execution of the Trust in that Behalf declared and contained in the said Will of the said *Robert Bell Livesey* of the said Term of One thousand Years, and with the Privity and Approbation of the said *Jane Livesey* (as such Executrix of the said *Robert Bell Livesey* as aforesaid, testified as therein mentioned), did demise unto the said *James Freeth* and *George Freeth*, their Executors, Administrators, and Assigns, the Messuages, Closes of
Land,

Livesey's Estate Act, 1855.

Land, and Hereditaments therein described, situate in the Township or Parish of *Kildale* aforesaid, and in the Parish of *Easby* in the said County of *York* (being Part of the Hereditaments devised by the said recited Will), with the Appurtenances, to hold the same unto the said *James Freeth* and *George Freeth*, their Executors, Administrators, and Assigns, for the Term of Nine hundred and fifty Years from the Date thereof, without Impeachment of Waste, subject to a Proviso for the Redemption and Surrender of the said Hereditaments on Payment by the said Trustees or Trustee for the Time being of the said Term of One thousand Years, on the Fourth Day of *September* then next, unto the said *James Freeth* and *George Freeth* respectively, or their respective Executors, Administrators, or Assigns, of the respective Sums of Five thousand Pounds and One thousand eight hundred and twenty-two Pounds, with Interest for the same respectively at the Rate of Five Pounds *per Centum per Annum*, reducible on punctual Payment to the Rate of Four Pounds *per Centum per Annum*, but which Sums and Interest were not paid accordingly, the same Principal Sum, together with some Interest thereon respectively, being still due and owing on the said Security: And whereas in the Year One thousand eight hundred and forty-five the said *James Jarvis Cleaver*, in conformity with a Direction in that Behalf contained in the Will of *Samuel Peach Peach* Esquire, deceased; and by the Authority of the Royal Licence, assumed and now bears the Surname of *Peach* only, and his said eldest Son *James Cleaver* thereupon also assumed the Surname of *Peach*, and is now called *James Peach Peach*: And whereas the said *Jane Livesey* (otherwise called *Jane Bell Livesey*) departed this Life on or about the Seventeenth Day of *October* One thousand eight hundred and forty-six: And whereas the said *Edmund Turton* and *Marianne* his Wife have never had any other Child than the said *Edmund Henry Turton* and *Marianne Teresa Turton* and the said *Robert Consett Turton* now deceased, respectively named in the said recited Will of the said *Robert Bell Livesey*: And whereas on the Twenty-seventh Day of *March* One thousand eight hundred and forty-eight the said *Marianne Teresa Turton* intermarried with and she is now the Wife of *Multon Lambarde* Esquire: And whereas the said *Marianne Teresa Lambarde* has had Three Children and no more, namely, *John Bell William Edmund Lambarde*, *Multon Thomas George Lambarde Lambarde*, and *Mary Teresa Louisa Lambarde*, all now Infants under the Age of Twenty-one Years: And whereas the said *Edmund Henry Turton* has never been married: And whereas the said *John Bell*, named in the said recited Will of the said *Robert Bell Livesey* deceased, has departed this Life without ever having had any Issue: And whereas the said *James Peach Peach* is now the First and only Tenant in Tail under the said recited Will of the said *Robert Bell Livesey* deceased, who has attained the Age of Twenty-one Years: And whereas a considerable and valuable Seam of Ironstone has been lately

[Private.]

m

found

Livesey's Estate Act, 1855.

found in Part of the Estates devised by the said Will of the said *Robert Bell Livesey* deceased as aforesaid, but has never been worked or opened out, nor is there any Power in the said Will for working or opening the same: And whereas it would greatly benefit the said *Marianne Turton* and *Edmund Henry Turton*, and other the Persons beneficially interested in or to become interested in the Hereditaments devised by the said recited Will, if the said *James Jarvis Peach* and *Edward Serjeantson*, or the Survivor of them, or the Trustees or Trustee for the Time being of the said Term of One thousand Years created by the said Will, were empowered to grant Mining Leases of the said Estates and Hereditaments devised by the said Will, and it might also tend to the more beneficially letting of the said Mines if such Trustees or Trustee for the Time being as aforesaid were authorized to open and work the same; but the said Purpose cannot be effected without the Aid and Authority of Parliament: Wherefore Your Majesty's most dutiful and loyal Subjects the said *James Jarvis Peach* and *Edward Serjeantson* as such Trustees as aforesaid, the said *Edmund Turton* and *Marianne Turton* his Wife, the said *Edmund Henry Turton*, the said *Multon Lambarde* and *Marianne Teresa Lambarde* his Wife on behalf of themselves and their said Three Infant and only Children, *John Bell William Edmund Lambarde*, *Multon Thomas George Lambarde Lambarde*, and *Mary Teresa Louisa Lambarde*, and the said *James Peach Peach*, do most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

I. That in citing this Act for any Purpose, it shall be sufficient to use the Expression "*Livesey's Estate Act, 1855.*"

Interpretation of Terms.

II. That the following Words shall in this Act (except where the Nature of the Provision or the Context excludes such Construction) be interpreted as follows; (that is to say,) the Word "Mines" shall include Mines, Delphs, Quarries, Beds, Lodes, Veins, and Seams of Iron, Iron Ore and Ironstone, Lead, Coal, Culm, Jet, Firestone, Flags, Slates, Marble, Limestone and other Stone, Fireclay and other Clay, Brick Earth, Gravel, Peat, and Manganese; and the Word "Minerals" shall include Iron, Iron Ore and Ironstone, Lead, Coal, Culm, Jet, Firestone, Flags, Slates, Marble, Limestone and other Stone, Fireclay and other Clay, Brick Earth, Gravel, Peat, and Manganese; and the Word "Rent" shall include all Tolls, Duties, Royalties, and Reservations of every kind; and the Word "Lands" shall include all Messuages, Lands, Tenements, and Hereditaments whatsoever, and all Parts, Shares, and Interests whatsoever, whether in possession

Livesey's Estate Act, 1855.

possession or in expectancy, of and in all Messuages, Lands, Tenements, and Hereditaments whatsoever.

III. That the said *James Jarvis Peach* and *Edward Serjeantson*, and the Survivor of them, his Executors or Administrators, or the Trustees and Trustee for the Time being of the said Term of One thousand Years created by the said Will of the said *Robert Bell Livesey* deceased, and which said *James Jarvis Peach* and *Edward Serjeantson*, and the Survivor of them, his Executors or Administrators, and other Trustees and Trustee for the Time being, are in this Act referred to as the "said Trustees and Trustee," may from Time to Time demise or lease, or concur with the Person or Persons (if any) in whom any Estate, Right, or Interest (if any) in or to the same may from Time to Time be vested in demising or leasing, all and every or any Part or Share of the Mines and Minerals open, found, or discovered, or at any Time hereafter opened, found, or discovered, in or under the Lands specified in the Schedule to this Act annexed, and either before or after the opening of the Mines or Minerals proposed to be demised or leased, and also any Part of the Lands specified in the said Schedule to this Act annexed, and which it may be thought expedient to lease with such Mines or Minerals, for the better or more effectually working the same, unto any Person for any Term of Years not exceeding Forty-two Years, and to take effect in possession within Three Months next after the making thereof, and not otherwise in reversion or by way of other future Interest.

Power to
Trustees to
grant Mining
Leases.

IV. That by any such Lease there may be granted to the Lessee, his Executors, Administrators, and Assigns, all or any of the following Liberties, Licences, Powers, and Authorities, Easements and Advantages; (to wit,)

Power to
grant to
Lessees the
Licences, &c.
herein
named.

First:—Liberty, Licence, Power, and Authority to open such Mines, and to sink, dig, search, bore, and try for, and by mining and open Day Work respectively win, work, raise, strip, take, get, burn, smelt, manufacture, use, carry away, and dispose of all such Minerals as shall be found within, under, or upon the Mines or Ground thereby demised, or in working or winning the same, and also all such Minerals or Materials as may be raised or brought from any other Lands:

Second:—Liberty, Licence, Power, and Authority to dig, sink, make, and work such Pits, Grooves, Shafts, Tunnels, Adits, Levels, Cutwins, Drifts, Trenches, Cuts, Canals, Sluices, Waygates, Watergates, and Watercourses, and to make, erect, set up, and work such Furnaces, Brick Kilns, Tile Kilns, Fire Engines, Steam Engines, Water Mills, and other Mills, Gins, and other Engines and Machinery, Collieries; and other Works or Contrivances, whether

Livesey's Estate Act, 1855.

whether of present Use or future Invention, as shall be deemed necessary or convenient for finding, discovering, winning, working, procuring, or conveying, burning, smelting, or manufacturing such Minerals or any of them within, under, out of, and from the Mines or Ground :

Third:—Liberty, Licence, Power, and Authority for making, burning, and manufacturing Coke, Bricks, and Tiles for the Use of any of such Furnaces and Works, or otherwise, and for turning, bringing, and carrying Water for working the Machinery and other Works, and for avoiding and carrying away Water, foul Air, and Stench from and out of the Mines and Works respectively :

Fourth:—Liberty, Licence, Power, and Authority for Outstroke and Instroke into or from any adjoining Mines, Pits, Shafts, or Workings :

Fifth:—Liberty, Licence, Power, and Authority to take and use sufficient Ground Room, Heap Room, and Pit Room for depositing, laying, placing, and manufacturing all or any of the Minerals, Slack, Slag, and Refuse that shall from Time to Time proceed from, or be wrought, dug, or gotten out of the Mines, or from or out of any Furnaces, Brick-kilns, Manufactories, Works, or Collieries to be so erected, set up, or made, or that may be raised or brought or imported from any other Lands :

Sixth:—Liberty, Licence, Power, and Authority to erect, build, set up, and hold, occupy, and enjoy, in any convenient Places on any Parts of the Lands, all such Houses, Cottages, Hovels, Lodges, Store Rooms, Heap Rooms, Coke Hearths, Engine Houses, Sheds, Stables, or other Buildings, Walls, Fences, Blast and other Furnaces, Steam and other Engines and Machinery, Collieries, Brick-kilns, and other Works, with such Yards, Gardens, Curtilages, Stone Yards, and Places to be annexed to or enjoyed with such Houses, Cottages, and other Buildings as shall from Time to Time be needful or desirable for more conveniently enjoying and working the Mines and Works respectively, or for the Habitation and Convenience of Agents, Workmen, and others, or for the Accommodation of Horses and other Cattle employed in or about the Mines or Works, or for storing, standing, laying, or placing Utensils or Implements, Minerals, or Produce to be respectively employed or used or gotten in or about the same :

Seventh:—Liberty, Licence, Power, and Authority to dig, get, and use Lime and other Stones, Peat, Clay, Sand, Gravel, and Spar, and other Materials, or any other Produce of the Mines, or which may be found in or on the Lands fit for the Purpose, or which may be raised or brought from any other Lands for erecting, building, making, and repairing such Houses, Hovels, Sheds, Furnaces, Engines, or other Buildings, Walls, and Fences, or any of them, or any Ways or Roads :

Eighth:—

Livesey's Estate Act, 1855.

Eighth:—Liberty, Licence, Power, and Authority to have, use, and take (so far as the Person for the Time being granting such Lease may be competent to grant the same, and without Injury or Prejudice to the Rights of other Parties) all or any of the Water flowing or which shall or may flow or be made to flow in, upon, or over all or any of the Lands, and (without Prejudice as aforesaid) to turn and convey such Water into the Mines or Works, or for working any Machinery to be so erected, or for any other Purpose connected with the beneficial working of the Mines:

Ninth:—Liberty, Licence, Power, and Authority to make, have, use, and enjoy such Stone Yards and other like Easements and Privileges in, upon, out of, or over or under all or any Part of the Lands as will render the Occupation and working of the Mines, and the Deposit, Manufacture, Sale, and Carriage of the Minerals and other Produce, advantageous and convenient, or as may be reasonably required by the Person to whom any such Lease may be proposed to be granted:

Tenth:—Liberty, Licence, Power, and Authority to make, construct, and set up and to use such Railways, Tramroads, Sideways, Batteries, Cuts, Inclined Planes, and other Roads or Ways, or Watercourses, and to have and use such Wayleaves or Rights of Way, (either to be specified or not,) in, over, or upon, or under any Parts of the Lands specified in the said Schedule to this Act annexed, as may be necessary or convenient for facilitating and transporting and carrying such Minerals from the Mines, or from any Furnace, Brick-kiln, or other Place whatsoever, or for carrying and conducting Water to or from such Mines or Works or any of them:

Eleven:—Liberty, Licence, Power, and Authority to make, construct, and set up such Gates, Hedges, Mounds, Embankments, or other Fences as may be proper and sufficient for separating and fencing off any Surface, Railways, Tramroads, or Watercourses from the Lands adjoining thereto:

Twelve:—And all such other Rights, Powers, Privileges, Easements, and Advantages whatsoever as may be deemed necessary or convenient for working, winning, obtaining, or manufacturing, rendering merchantable or marketable, selling, carrying away, or otherwise disposing of the Mines, Minerals, and Materials to be leased or to be raised or brought or imported from any other Lands, or for any Purpose, Matter, or Thing connected therewith or relating thereto, or as may be usual or customary in the Neighbourhood in which any such Mines shall be, or shall be agreed upon with or required by any such Lessee.

V. Provided always, That upon every such Lease there shall be reserved and made payable yearly or oftener during the Continuance

Rent to be reserved.

[Private.]

n

of

Livesey's Estate Act, 1855.

of the Lease, to be incident to and go along with the Remainder or Reversion immediately expectant on the Determination thereof, the best or most improved yearly or other Rent, either in Money or in Tolls, Duties, Royalties, or other Reservations, or partly in Money and partly in Tolls, Duties, Royalties, or other Reservations, that can at the Time of the making of such Lease, and considering the Circumstances of the Case and the Responsibility of the proposed Tenant, be reasonably obtained for or in respect of the said Mines, Minerals, Powers, and Privileges respectively, either alone or together with any Lands to be comprised in such Lease, without taking any Fine, Premium, or Foregift, or anything in the Nature thereof, but so that such Rents as shall be reserved wholly or partly in Money shall have reference to the Quantity of Minerals obtained, except that Part thereof may (if thought proper) be made payable as a certain Money Rent, as is customary in Mining Leases, so as to induce the Lessees to work the Mines leased.

Covenants
and Provi-
sives in
Leases.

VI. Provided always, That in every such Lease there shall be contained on the Part of the Lessee a Covenant for the due and punctual Payment or Delivery of the Rents thereby reserved, and of all Taxes, Charges, Rates, Assessments, Compositions, and Impositions whatsoever affecting the demised Premises (other than Landlords Property Tax,) and also a Proviso, Condition, or Power of Re-entry, or of making void and determining the Lease, in case the Rents thereby reserved be unpaid by any Period therein limited, not exceeding Forty Days after the Time appointed for Payment or Delivery thereof, such Rent having been lawfully demanded.

Lease as to
Lands to
cease with
Lease as to
Mines.

VII. Provided always, That the Lease of all Lands to be leased with any Mines or Minerals, or to be given up or used for the Purpose of Wayleaves, Railways, Tramroads, Sideways, Byeways, Batteries, Cuts, Inclined Planes, or Watercourses as aforesaid, shall cease with the Lease of the same Mines or Minerals.

Provision
to enable
Lessor to
purchase
Plant.

VIII. Provided always, That in every such Lease of any Mines or Minerals there shall be contained a Covenant or Proviso on the Part of the Lessee, his Heirs, Executors, Administrators, and Assigns, that the Person for the Time being entitled beneficially or otherwise to the Rents reserved by such Lease, if such Person in his Discretion think fit so to do, or the said Trustees and Trustee with the Consent of such Person, may at the Expiration or other sooner Determination of such Lease (he or they having given Six Months previous Notice in Writing of his or their Intention so to do) purchase all or any of the Tram-plates, Engines, Tools, Implements, and Utensils used by such Lessee, his Heirs, Executors, Administrators, or Assigns, and which shall at the Time of giving any such Notice be in, upon, or about the Lands demised

Livesey's Estate Act, 1855.

demised by such Lease, and also the unexpired Estate, Term, or Interest (if any) of such Lessee, his Heirs, Executors, Administrators, or Assigns, in any Wayleave over any other Lands used in connexion with or for the Purposes of such Mines or Minerals, at a Valuation to be made by Three indifferent Persons, or any Two of them, to be chosen within a Period by such Lease fixed, One of them by the Person so intending to purchase or so consenting to the Purchase by the said Trustees and Trustee, another by the Lessee, his Heirs, Executors, Administrators, or Assigns, and the Third by the Two Persons first chosen, and before they enter upon the Valuation, and with such Provisions in case of the Refusal or Omission of either Party to name an Arbitrator or Valuer, or of the Refusal or Omission to name an Umpire or make an Award within a Time limited by such Lease, and for giving full Effect to the Submission to Arbitration or Valuation, as shall be agreed upon between the Parties to the Lease.

IX. Provided always, That any such Lease may be made determinable by either Party, and may contain such other Covenants, Clauses, Conditions, Stipulations, Provisoos, and Agreements as shall be mutually agreed upon between and by the Lessors and the Lessee, and shall not be inconsistent with or tend to defeat the Operation and Effect of all or any of the Covenants, Provisoos, Conditions, and Agreements by this Act directed to be inserted therein.

General Conditions of Leases.

X. Provided always, That the Person to whom any such Lease shall be granted shall duly execute a Counterpart or Duplicate thereof.

Counterparts.

XI. That the said Trustees and Trustee shall receive the net Rents from Time to Time payable by virtue of any Mining Lease granted by virtue of this Act, and shall thereout, in the first place, pay all the Costs, Charges, and Expenses of and incident to the obtaining and passing of this Act; and after and subject to the Payment of such Costs, Charges, and Expenses, shall from Time to Time pay One equal Fourth Part of such net Rents into the Bank as by this Act directed.

Proportion of Mining Rents to be paid into Bank.

XII. That such Three equal Fourth Parts of the Rents reserved on any Mining Lease granted under this Act as are not by this Act directed to be paid into the Bank shall be paid by the said Trustees and Trustee to the Person or Persons for the Time being entitled in possession under the said recited Will, if such Person be of the Age of Twenty-one Years or upwards, or if under that Age to his or her Guardian, subject as to the Surface Rents and Profits as they shall for the Time being be subject under the said Will or the said Codicil thereto, but not by way of multiplying or increasing Charges, so never-

Residue of the Mining Rents to be paid to the Person for the Time being in possession.

Livesey's Estate Act, 1855.

nevertheless that, with reference to the Provisions in the said Will contained for authorizing an Allowance during the Lives of the said *Marianne Turton* and *Edmund Turton* for the Maintenance of any of their Sons or Daughters who should be entitled next in remainder to the said thereby settled Hereditaments as aforesaid, there shall be paid to the said *Edmund Henry Turton* during such Period as the said Provision shall remain in force with respect to him, and in addition to such Proportion (if any) of the said Surface Rents as has been hitherto or may be paid or allowed to him under the same Provision, One Third of the said last-mentioned Three Fourth Parts, being One Fourth of the Entirety of the said Mine Rents.

Power for Trustees to open and work Mines.

XIII. That the said Trustees and Trustee may from Time to Time open any Mines in or under any of the Lands specified in the said Schedule, and sink, dig, search, bore, and try for, and by mining and open Day working respectively, win, work, raise, strip, take, get, and carry away and dispose of all Minerals found within the Mines so opened, or in working or winning the same, and for such Purposes may have and exercise all or any of the several Liberties, Licences, Powers, and Authorities which the said Trustees and Trustee may under this Act grant to any Lessee of Mines.

Trustees not bound to open or work Mines.

XIV. Provided always, That it shall not in any Case be obligatory on the said Trustees and Trustee to open or work any such Mines or Minerals unless or longer than they or he in their or his Discretion shall think proper.

Trustees not to employ Trust Moneys in opening or working Mines.

XV. Provided always, That the said Trustees and Trustee shall not employ in or about the opening or working under this Act of any Mines or Minerals any Moneys in their or his Hands subject to any of the Trusts of the recited Will.

Trustees to sell Minerals obtained by them in working Mines.

XVI. That the said Trustees and Trustee shall from Time to Time sell or dispose of and convert into Money, in such Manner as they or he from Time to Time shall find most advantageous, the Minerals from Time to Time obtained by them or him by the working under this Act of the Mines.

Application of the Moneys received by Trustees from working Mines.

XVII. That the said Trustees and Trustee shall from Time to Time apply the Moneys received by them and him in respect of the Sale and Conversion into Money of such Minerals, or otherwise in or about the working by them and him under this Act of the Mines, as follows; (to wit,)

First, in paying and discharging all the Costs and Expenses of the said Trustees and Trustee in and about the Execution by them and him of this Act, with respect to the opening and working of such Mines and Minerals, and the Sale, Disposition, and Conversion

Livesey's Estate Act, 1855.

any Case in which for some technical Error or Informality in granting the same such Lease is void or voidable, or is apprehended to be void or voidable, or may grant any Lease pursuant to the Provisions of this Act in lieu of such Lease for any Estate or Term not exceeding the then Residue of the Estate or Term granted or purported to be granted by such Lease, and as to any such Lease at and under the same yearly Rent as was or a larger Rent than was reserved by such original Lease, or may accept a Surrender of any Lands purporting to be leased, and grant any Lease pursuant to this Act of the Lands so surrendered, but not for any Estate or Term exceeding the then Residue of the Estate or Term granted or purported to be granted by the original Lease thereof, and at and under the same yearly Rent (if any) as was or a larger Rent (if any) than was reserved by such original Lease.

Confirma-
tions to be
without Fine
taken.

XXIII. Provided always, That any Fine, Premium, or Foregift, or anything in the Nature thereof, shall not be taken for any such Confirmation of a Lease thought void or voidable.

Trustees Re-
ceipts to Dis-
charge.

XXIV. That every Receipt from Time to Time given by the said Trustees and Trustee for any Rents or Money to be received by them or him under the Authority or for any of the Purposes of this Act shall be a legal and conclusive Discharge to the Person paying the same, and effectually release him from all Liability, Claims, and Demands in respect thereof.

Payment of
Rents and
Monies into
Bank.

XXV. That all Rents or Moneys by this Act directed to be paid into the Bank shall from Time to Time be paid by the said Trustees and Trustee into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there, "*ex parte* the Persons interested in the Settled Estates of *Robert Bell Livesey* deceased," pursuant to the Method prescribed by the Act of the Twelfth Year of *George* the First, Chapter Thirty-two, and the General Orders of that Court, and without Fee or Reward, according to the Act of the Twelfth Year of *George* the Second, Chapter Twenty-four.

Receipt of
the Cashier
of the Bank
and Certifi-
cate of the
Accountant
General to
be a Dis-
charge to
Trustees.

XXVI. That the Receipt of any Cashier of the Bank of *England*, and the Certificate of the Accountant General annexed to the same and filed in the Registry Office of the Court of Chancery, shall be an effectual and conclusive Discharge for all Rents or Moneys herein-before directed to be paid into the Bank, or for so much thereof as shall be thereby expressed to be received, and the said Trustees and Trustee, and other the Persons paying such Rents or Moneys and taking such Receipts, his or their Heirs, Executors, and Administrators or Assigns, shall not be obliged to see to the Application of such Rents or Moneys,

or

Livesey's Estate Act, 1855.

or be accountable for any Misapplication or Nonapplication of the same respectively, or any Part thereof.

XXVII. That upon a Petition or Motion to be preferred or made to the Court of Chancery in a summary Way by any Person interested in the Lands for the Time being subject to such of the recited Trusts of the said Will or Codicil of the said *Robert Bell Livesey* as for the Time being subsist, or in the Rents or Monies paid into the Bank pursuant to this Act, or by the Guardian of any such Person being an Infant, the Court may and is hereby required to order all such Rents or Moneys so paid into the Bank, or so much thereof as shall not be ordered by the Court to be applied in Payment of Costs, Charges, and Expenses according to the Provisions of this Act, to be from Time to Time laid out, in such Manner as the Court directs, in the Purchase or Redemption of Land Tax, or in or towards the Discharge of any Debts or other Incumbrances (being Charges on the Inheritance made or to be made, or under the Trusts of the said Term of One thousand Years created by the said Will as aforesaid) affecting all or any Part of the Lands for the Time being subject to those Trusts, or in the Purchase of any Freehold or Copyhold Lands in *England* or *Wales* whereof the Copyhold shall not exceed One Sixth Part in Value of the Freehold, free from all Incumbrances (except Quitrents, Land Tax, and other Outgoings of that Nature).

Application under the Direction of the Court of Chancery of Monies paid into the Bank.

XXVIII. That the Lands from Time to Time purchased under this Act shall be conveyed unto the said Trustees or Trustee, their or his Heirs and Assigns, to such Uses, upon such Trusts, and subject to such Powers and Provisoos as will nearest correspond with the Uses, Trusts, Powers, and Provisoos which in and by the same Will and the said Codicil thereto are limited, declared, expressed, and contained of and concerning the Lands specified in the said Schedule, or such of them as shall be then subsisting undetermined or capable of taking effect or being exercised, but nevertheless not so as to increase Charges.

Lands purchased under this Act to be conveyed to Uses, upon Trusts, and subject to Powers limited, &c. by the Will of Robert Bell Livesey.

XXIX. That all Rents or Moneys which, pursuant to this Act, are paid into the Bank, or so much thereof as are not ordered by the Court to be applied in Payment of Costs, Charges, and Expenses, according to the Provisions of this Act, shall in the meantime, until such Rents or Moneys be applied or be invested or laid out in or for all or any of the Purposes by this Act authorized, be from Time to Time laid out in the Name of the Accountant General in the Purchase of Exchequer Bills or Navy Bills; and the Interest on such Bills, subject to the Provisions of this Act, and the Money received for the

All Monies not ordered to be applied by the Court to be invested in Exchequer Bills or Navy Bills.

same

Livesey's Estate Act, 1855.

same when paid off by Government, shall be laid out in his Name in the Purchase of other Exchequer Bills or Navy Bills.

Exchange of
Exchequer
and Navy
Bills.

XXX. That the Court may make such general or special Order, if necessary, that whenever the Exchequer Bills or Navy Bills of the Date of those in the Hands of the Accountant General shall be in the course of Payment by Government, and new Exchequer Bills or Navy Bills shall be issued, such new Exchequer Bills or Navy Bills may be received in exchange for those which are in course of Payment, and such Proceedings shall be had as shall be effectual for enabling such Receipt in exchange, and in that event the Interest of the new Bills shall (subject to the Provisions of this Act) be laid out as by this Act directed with respect to the Interest of the Bills paid off.

Exchequer
and Navy
Bills to be
deposited in
the Bank of
England.

XXXI. That all such Exchequer and Navy Bills shall be deposited in the Bank of *England* in the Name of the Accountant General, and shall there remain until the same be, upon a Petition or Motion to be preferred or made to the said Court in a summary Way, ordered to be sold by the Accountant General for completing any Purchase, or for any other of the Purposes of this Act.

Profits on
Sale of
Exchequer
and Navy
Bills.

XXXII. That if the Money arising by the Sale of any such Exchequer Bills or Navy Bills exceed the Amount of the original Purchase Money laid out in the Purchase thereof, then, and in that Case alone, the Surplus which remains, after discharging the Expenses of the Application to the Court, shall be paid to such Person as would be entitled to receive the Rents and Profits of the Lands directed to be purchased in case the same had been purchased and settled pursuant to this Act, or to the Representatives of such Person.

Court of
Chancery to
make Orders
for Payment
and Taxa-
tion of
Costs, &c.

XXXIII. That the Court may, upon Petition or Motion preferred or made in a summary Way, from Time to Time make such Orders as the Court think just for allowing, taxing, and settling all Costs, Charges, and Expenses from Time to Time incurred in making the several Applications to the Court in pursuance of this Act, and in paying into the Bank such Moneys as are by this Act directed to be paid in, and in taking such Moneys out of the Bank, and discharging Incumbrances, or investing such Moneys or any of them in any Purchase or otherwise as by this Act authorized, and in investigating the Title to the purchased Lands, or otherwise in carrying the Trusts and Purposes of this Act into execution; and also may from Time to Time make such Orders as the Court think just for Payment of such Costs, Charges, and Expenses out of the Moneys paid into the Bank, or out of the Moneys arising by the Sale of the Exchequer or Navy Bills.

Period with-
in which

XXXIV. That the several Powers by this Act conferred on the said Trustees and Trustee shall be exercisable at any Time or Times whilst

Livesey's Estate Act, 1855.

whilst the Trusts by the said recited Will or Codicil or either of them declared concerning the said Term of One thousand Years by the said Will limited to the said *James Jarvis Peach* and *John Cleaver* as aforesaid, or any of such Trusts, shall be subsisting or capable of taking effect.

Powers of Act to be exercised.

XXXV. That the several Powers, Authorities, Clauses, and Provisions created by and contained in this Act (so far as the same or any of them are applicable) shall extend and apply to and be exercisable with respect to all Lands from Time to Time purchased and settled as by this Act authorized, provided the same shall lie contiguous to or shall not be at a greater Distance than One Mile from any Part of the Lands mentioned in the Schedule to this Act.

Powers of Act to apply to all Lands hereafter settled to Uses of recited Will.

XXXVI. Provided always, That the several Powers and Discretions by this Act conferred on the said Trustees and Trustee shall not be exercisable except with the Consent in Writing of the said *Marianne Turton*, or after her Decease of other the Person who for the Time being shall, under the recited Trusts of the recited Will and Codicil, or either of them, be entitled to the actual Possession or the beneficial Receipt of the Rents and Profits of the Lands thereby devised by way of Settlement as aforesaid, if such Person be of the Age of Twenty-one Years, or if such Person under that Age, then with the Consent of his Guardian: Provided always, that any such Consent may be in general Terms sanctioning, either absolutely or subject to any Terms or Conditions, the Exercise by the said Trustees and Trustee at their and his Discretion of such Powers and Discretion, or any of them.

Consent to Exercise of Powers.

XXXVII. That the said *James Jarvis Peach* and *Edward Serjeantson*, and other the Trustees and Trustee from Time to Time acting in the Execution of the Trusts and Powers by this Act created, and every of them, and their respective Heirs, Executors, and Administrators, shall be charged and chargeable respectively for such Moneys only as they respectively actually receive by virtue of the Trusts, Powers, and Provisions of this Act, notwithstanding their or any of their giving, signing, or doing, or joining in giving, signing, or doing, any Receipt or Act for the sake of Conformity; and any One or more of them shall not be answerable or accountable for any other or others of them, or for involuntary Losses; and they or any of them may, with or out of the Moneys which come to their or any of their Hands by virtue of the Trusts and Provisions of this Act, retain and reimburse to or for themselves respectively, and allow to the others of them respectively, all Costs, Damages, and Expenses which they or any of them suffer, sustain, expend, disburse, or are put unto in or

Trustees to be answerable only for Monies actually received.

[Private.]

p

about

Livesey's Estate Act, 1855.

about the Execution of the several Trusts, Powers, and Provisions of this Act or in relation thereto.

Powers of
recited Will
not to be
prejudiced.

XXXVIII. Provided always, That this Act or anything herein contained shall not revoke, annul, suspend, lessen, or otherwise prejudicially affect any of the Powers, Discretions, and Authorities respectively created and conferred by the recited Will and Codicil, or either of them, except only so far as the same respectively may be defeated or affected by the Exercise or Execution of any of the Powers and Trusts by this Act created.

General
Saving.

XXXIX. Saving always to the Queen's most Excellent Majesty, Her Heirs and Successors, and to all Persons and Bodies Politic and Corporate, and their respective Heirs, Successors, Executors, and Administrators, (other than and except the said *James Jarvis Peach* and *Edward Serjeantson* as the Trustees of the said Will of the said *Robert Bell Livesey* deceased, their Executors, Administrators, and Assigns, and other the Trustees and Trustee for the Time being of the same Will, and the said *Edmund Turton* and *Marianne Turton* his Wife, and their Third, Fourth, and every other younger Son, and the Heirs Male of the respective Bodies of such younger Son or Sons, and the said *Edmund Henry Turton* and his Second and every other younger Son, and the Heirs Male of the respective Bodies of such Second and every other younger Son, and all and every Son and Sons of the said *Marianne Turton* by any future Husband, and the Heirs Male of the respective Bodies of such Son or Sons, and the said *Multon Lambarde* and *Marianne Teresa Lambarde* his Wife, and the said *John Bell William Edmund Lambarde*, and *Multon Thomas George Lambarde Lambarde*, and all and every other the Son and Sons of the said *Marianne Teresa Lambarde*, and the Heirs Male of the respective Bodies of such herein-before named and other Sons of the said *Marianne Teresa Lambarde*, and the Second, Third, Fourth, and every other Daughter of the said *Edmund Turton* and *Marianne* his Wife, and the Heirs Male of the respective Bodies of such Daughter or Daughters; and all and every the Daughter and Daughters of the said *Marianne Turton* by any future Husband, and the Heirs Male of the respective Bodies of such Daughters and the said *Mary Teresa Louisa Lambarde*, and other the Daughters of the Grandsons and Grand-daughters of the said Testator *Robert Bell Livesey*, and the Heirs of the respective Bodies of such Daughters, and the said *James Peach Peach* and his Issue, and the right Heirs of the said Testator *Robert Bell Livesey*, and all and every other Persons to or on whom any Estate, Right, Title, or Interest at Law or in Equity other than any Tenancies under any subsisting Leases or Agreements, or to or on whom any Charge, Claim, or Demand of; in,
to,

Livesey's Estate Act, 1855.

to, out of, upon, or affecting the Lands specified in the said Schedule to this Act or any Part thereof, is or hath been limited, devised, given, or made, or hath descended or devolved, or shall descend or devolve, by or by virtue of the said Will and Codicil of the said *Robert Bell Livesey* deceased, or either of them,) all such Estate, Right, Title, Interest, Claim, and Demand whatsoever in, to, or out of those Lands or any Part thereof as they or any of them had before the passing of this Act, or could or might have enjoyed in case this Act had not passed.

XL. That this Act shall not be a Public Act, but shall be printed by the several Printers to the Queen's most Excellent Majesty duly authorized to print the Statutes of the United Kingdom, and a Copy thereof so printed by any of them shall be admitted as Evidence thereof by all Judges, Justices, and others.

Act as
printed by
Queen's
Printers to
be Evidence.

Livesey's Estate Act, 1855.

The SCHEDULE to which the foregoing Act refers:

Hereditaments in the Township of Easby in the Parish of Stokesley.

Names of Tenants.	Description of Property.	Quantities.		
		A.	R.	P.
Thomas Chapman - - -	Part Dundale Farm - - -	25	2	35
In hand " - - -	Wood - - -	12	0	0
<i>Hereditaments in the Parish of Kildale.</i>				
Thomas Chapman - - -	Part Dundale Farm - - -	89	2	25
John and Thomas Hugill - - -	Low House Farm - - -	51	2	12
William and John Hugill - - -	Park Farm - - -	212	1	18
Robert Coward - - -	Walk Mill Farm - - -	96	2	36
Nathaniel Harrison - - -	Hall Garth Farm - - -	261	0	22
Robert Hewison - - -	Bank Side Farm - - -	233	0	39
William Hodgson - - -	Lownsdale Farm - - -	96	2	17
Mathew Rudsdale - - -	West House Farm - - -	231	3	31
John Martin - - -	Wood End Farm - - -	154	0	9
Edward Barr - - -	View Hill Farm - - -	177	0	29
William Watson - - -	Baysdale Farm - - -	99	2	11
William Watson - - -	Huckaback Farm - - -	37	1	14
Anna and John Webster - - -	Warren Farm - - -	267	2	18
Robert Featherstone - - -	East Green Beck Farm - - -	91	1	2
John Petlar - - -	- - -	42	2	3
Christopher Relton - - -	Town Farm - - -	73	0	11
Small Occupations - - -	- - -	26	3	23
		2,280	1	35
	Moors, Waste Lands, Woods, and Plantations - - -	2,570	0	19
	Total - - -	4,850	2	14

Geo. Peirson.